

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

THOMAS STEINBECK, an individual, and  
BLAKE SMYLE, an individual,

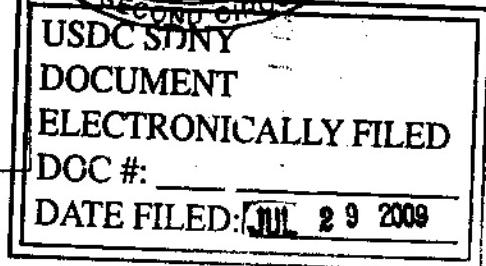
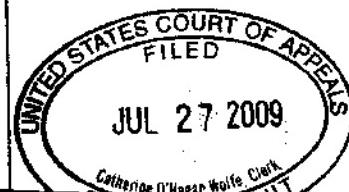
Plaintiffs-Appellants,

-against-

MCINTOSH & OTIS, INC., a New York corporation; THE STEINBECK HERITAGE FOUNDATION, a non-profit, New York corporation; EUGENE H. WINICK, an individual; SAMUEL PINKUS, an individual; JEAN ANDERSON BOONE, an individual; FRANCIS ANDERSON ATKINSON, an individual; WAVERLY SCOTT KAFFAGA, an individual and Executor of the Estate of Elaine Anderson Steinbeck; DAVID SCOTT FARBER, an individual; ANDERSON FARBER RUNKLE, an individual; JEBEL KAFFAGA, an individual; BAHAR KAFFAGA, an individual; and STEVEN FRUSHICK, an individual, and Does 1-10.

Defendants-Appellees.

09-1836-cv



**STIPULATION WITHDRAWING APPEAL  
FROM ACTIVE CONSIDERATION, WITHOUT  
PREJUDICE, AND WITH LEAVE TO REACTIVATE**

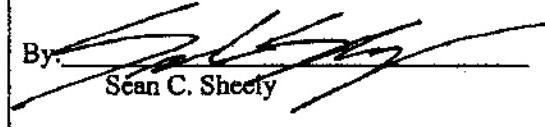
The undersigned counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn from active consideration from the court, such withdrawal to be without prejudice in a reactivation of the appeal by Appellant's counsel so notifying the Clerk of this Court in writing by November 13, 2009. If not reactivated before said date or any extended date as may be further ordered or agreed, the appeal shall be subject to dismissal with prejudice.

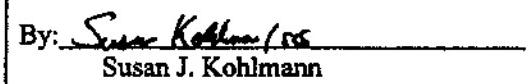
Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under FRAP 42(b).

CERTIFIED:

JUL 28 2009

SDNY/NY  
09-cr-5497  
Daniels

HOLLAND & KNIGHT LLP	DAVIS WRIGHT TREMAINE, LLP
By:  Sean C. Sheetly  195 Broadway New York, New York 10007 Tel.: (212) 513-3200 Fax: (212) 385-9010  Attorneys for Plaintiffs-Appellants <i>Thomas Steinbeck and Blake Smyle</i>	By:  Elizabeth McNamara  1633 Broadway New York, New York 10019 Tel.: (212) 603-6437 Fax: (212) 489-8340  Attorneys for Defendants-Appellees <i>McIntosh &amp; Otis, Inc., Eugene H. Winick and Samuel Pinkus</i>

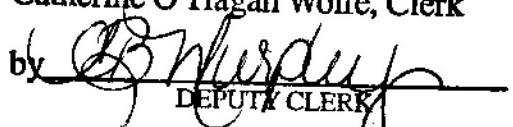
JENNER & BLOCK LLP
By:  Susan J. Kohlmann  919 Third Avenue, 37th Floor New York, New York 10022-3908 Tel.: (212) 891-1690 Fax: (212) 909-0821  Attorneys for Defendants-Appellees <i>Waverly Kaffago, as an individual and as Executrix of the Estate of Elaine Steinbeck, Jean Anderson Boone, Frances Anderson Atkinson, David Scott Farber, Anderson Farber Runkle, Jebel Kaffago, Bahar Kaffago, the Steinbeck Heritage Foundation and Steven Frushtick</i>

SO ORDERED

FOR THE COURT  
Catherine O'Hagan Wolfe, Clerk of Court  
By   
Stanley A. Bass, Staff Counsel

July 27, 2009

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A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by   
DEPUTY CLERK